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**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Attorney Docket No.:
WIS4987P0081US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [37 CFR 1.8(s)].

on May 23, 2005

Signature Rebecca J. Willis

Typed or Printed Name Rebecca J. Willis

In Re Application Of:

Kermicle et al.

Application Number:

09/821,879

Filed:

March 30, 2001

For: Cross-Incompatibility Traits from Teosinte and Their Use in Corn

Group Art Unit:

1638

Examiner:

David T. Fox

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

Applicant hereby **appeals** to the Board of Appeals and Interferences from the decision of the Examiner dated February 24, 2005 rejecting Claims 1-5, 9-17, 21-35, 39-50, 59-68, 73-80 and 82-86.

The fee for this Notice of Appeal is (37 CFR 41.29(b)(1)).

☒ Large Entity - \$500.00 ☐ Small Entity - \$250.00

\$500.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to Deposit Account No. 23-0785. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 23-0785. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) and a check in the amount of \$_____ is enclosed.

I am: ☐ applicant/inventor.
☐ assignee of record of the entire interest. Statement under 37 CFR 3.73(b) is enclosed.
☐ attorney or agent of record
☒ attorney or agent acting under 37 C.F.R. 1.34(a)

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Lisa V. Mueller
Lisa V. Mueller, Reg. No. 38,978

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JUN - 3 2005
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MAY 31 2005

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BOARD OF PATENT APPEALS
AND INTERFERENCES**